

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare-East Godavari District- Revision Petition filed U/S 6 of A.P.S.A.L.T.R 1959 by Smt. Bommili Suramma W/o (late) Surya Rao & another R/o Vedurupalli (V), Seethanagaram (M) East Godavari District against the orders of the Additional Agent to Government, Rampachodavarm, East Godavari District in C.M.A No: 53/2005 Dt: 17-09-2005 -Rejected - Orders - Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms No: 27

Dated:25-08-2012

Read the following:

1. Revision Petition dated:14-10-2005 filed by Smt. Bommili Suramma W/o late Surya Rao & another R/o Vedurupalli (V), Seethanagaram (M) East Godavari Dist.
2. Government Memo No.472/LTR-2/2006, dated:06-02-2006 addressed to the District Collector, East Godavari & the Addl. Agent to Govt. / PO,ITDA,Rampachodavaram
3. From PO,ITDA,R.C.Varam Ref.CMA. No.53/2005 dt.24.2.2010.
4. Government Letter No: 472/LTR-2/2006, dated: 20.7.2012

ORDER:

In the reference 1st read above, Smt. Bommili Suramma W/o (late) Surya Rao & another R/o Vedurupalli (V), Seethanagaram (M) East Godavari District filed a Revision Petition before the Government against the Orders of the Additional Agent to Government Rampachodavaram in C.M.A No: 53/2005 Dt: 17-09-2005 in respect of land measuring Ac.2.35 cts in R.S.No.253/2 of Kambalampalem (V) ,Devipatnam (M) East Godavari District.The main grounds of the appellatant in Revision Petition among others are as given below:

- i) There was no prohibited transfer at all, as the petitioner's husband purchased the Scheduled land on 13-4-1960 by way of Regd. Sale Deed from another Non -Tribe and cultivating the Scheduled land peacefully before the Land Transfer Regulation, 1970 came in to existence. The Husband of the Petitioner got the Settlement Patta to the Scheduled land in the year 25-01-1975 and she got hold the Scheduled Land after death of her husband.
- ii) The lower court did not see merits of the case and passed impugned order by the Addl. Agent to Govt. without considering the Settlement Patta issued by the proper authority and the Lower Court failed to establish that the Scheduled Tribe is in possession of the land before the of APSALT Regulation,1959.
- iii) Petitioner could not have been ordered to be disposed as her predecessor was holding under valid title.

2. The brief History of the case is that: the case was initiated by the Special Deputy Collector, Rampachodavaram under section 3 (1) of APSALTR,1959 as amended by LTR,1970 and submitted that Sri Bommili Surya Rao purchased the land from non tribals as per 13-04-1960 document and the Settlement officer granted patta in his favour and the earlier SR 72/75 and LTRP 854/79 are disposed in his favour and old riot pass Book was also granted to him. The Petitioner Council filed sale deed Dt 12-08-1942 and argued that the sale deed dt. of 13-04-1960 was made with out permission of Agent to the Government and is not valid one that the SR 72/75 which does not bear survey numbers is not applicable in the present case and sold to Chavalam Ammanna

in 12-03-1942 ,which was benami one. As per the sale deed 657/1942 dt 12-08-1942 Sarapu Thammanna S/o Borranna Dora sold the land to Chavalam Ammanna S/o Achanna in patta no 2 of Kambalampalem R/o Sarabhavaram of AC.2.00 wet land whose boundaries are East - Ganisetty Aravalu, South - Mukka Kannamma ,West- Puntha ,North- Yerra tank. As per document 563/60 dt 13-04-1960 Koreddy Appa Rao S/o Rama Swamy sold the land to Bommili Surya Rao S/o Subbanna in patta No 2B of AC. 2.00 with the boundaries as East -Ganisetty Aravalu-,Dondam Ammanna, South - Mukka Pentamma ,West - Poramboke tank, and North - Government Puntha. Sarapu Thammanna Dora is the pattadar and Koreddy Rama Swamy a non tribal is enjoying it and got entered his name in Amarakam Register and made benami sale of 1942 in the name of Chavalam Ammanna. After due enquiry the lower court (i.e.) Special Deputy Collector, Tribal Welfare, Rampachodavaram observed that Tribal involvement on P.S. land is clearly established and non tribal vendor of 1960 sale deed might have acquired it from tribal through a transfer without permission from Government in violation of APSALTR,1959 and disposed off the case in favour of the Tribal Petitioner in LTRP 09/2000 dt.14.08.2002 and ordered for ejection of the respondents (Sri Bommali Surya Rao and Sri Koreddy Appa Rao) from P.S. land and for restoration of the same to the Tribal Petitioner. (Sri Sarapu Ramanna dora)

3. Aggrieved by the orders of Special Deputy Collector (TW), Smt.Bommili Suramma, W/o Surya Rao & another filed appeal before the Additional Agent to Government, Rampachodavaram. The Agent to Government after giving opportunity concluded that the Registered sale transactions effected between tribals through sale deed 657/1942 clearly prove that ownership of tribal was established till 1942. There is no proof how the vendor non tribal Sri Koreddy Apparao in Registered sale deed 563/60 dt.13-04-1960 got the title to the Scheduled land . Hence it is clearly proves a fact that Sri Koreddy Apparao came in to possession of Schedule land situated in the Scheduled Area through a transfer land in violation of the APSALT Regulation, 1959 prior to 1960 from the tribal. The husband of the Petitioner purchased said land from Appa Rao through sale deed 563/60 and obtained settlement patta under Ryotwari Settlement Regulation 2 of 70. Hence non tribal claimant has no legal right over scheduled land. Finally the Additional Agent to Government, Rampachodavaram uphold the order passed by the Special Deputy Collector, Rampachodavaram in LTRP No 9/2000,dt 14-08-2002 and passed orders in C.M.A No 53/05,dt 17-09-2005 directing the Mandal Revenue Officer, Devipatnam (M) to eject the Non Tribal appellant or any other person bound by the order from the said land and restore the same to the Tribal Respondent.

4. Aggrieved by the orders of Additional Agent to Government, Rampachodavaram Smt. Bommili Suramma W/o late Surya Rao & another R/o Vedurupalli (V), Seethanagaram (M) East Godavari Dist. has filed a Revision Petition before the Govt. on 14-10-2005.

5. In the reference 2nd read above the Project Officer , ITDA / Additional Agent to Government, Rampachodavaram was requested to furnish parawise remarks and connected records. The matter stood thus , Smt. Bommili Suramma W/o late Surya Rao & another R/o Vedurupalli (V), Seethanagaram (M) East Godavari has filed W.P. and the Hon'ble High court in W.P.Nos.20998,21180 of 2007 & 14816 of 2008 passed common order that “ the Govt. to dispose of the revisions filed by the petitioners within six (06) weeks from 17.12.2009. In case the revisions filed by the petitioners are not disposed of despite the petitioners being ready to cooperate, the 1st respondent in all the Writ Petitions, i.e., the Additional Agent to Government, Rampachodavaram, East Godavari District shall be under the obligation to

re-induct the petitioners into possession of the land, duly issuing notices to the effected parties.

6. The Additional Agent to Government Rampachodavaram furnished parawise remarks and records on the Revision petition on 24.2.2010 in the reference 3rd read above. In pursuance of the Hon'ble High Court orders dt.17.12.2009 and subsequent directions, the case relating to Revision Petition was posted for hearing from time to time and the Revision Appeal Petition finally heard on 06.8.2012. The Counsel for the Appellant has attended the hearing and filed Written arguments.

7. In the Written arguments, the Counsel for the Appellant has contended the same contents which were filed before the lower Courts. On Perusal of the records, it appears that no fresh grounds have been adduced by the Appellant and it is observed that the orders of the Additional Agent to Government, East Godavari District are in accordance with the Rules and hence it is decided to uphold the orders of the Additional Agent to Government East Godavari District for eviction of non-Tribe and to restore the same to the Tribal Respondent.

8. Government after careful examination of the facts and records of the case hereby order to uphold the orders of the Additional Agent to Government and Project Officer ,ITDA, Rampachodavaram, East Godavari District in CMA No.53/2005 dt.17.9.2005 for eviction of the non-tribe and to restore the same to the Tribal Respondent and rejected the Appeal petition filed by Smt. Bommili Suramma W/o (late) Surya Rao & another R/o Vedurupalli (V), Seethanagaram (M) East Godavari accordingly.

9. The Collector, East Godavari District/Additional Agent to Government, Rampachodavaram is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)

To:

The Collector, East Godavari District .

The Additional Agent to the Government,

(P.O.,I.T.D.A.) Rampachodavaram, East Godavari District. (with RPAD of the following records)

(Case file CMA No.53/2005 in LTR P.No.9/2000 containing 1-134 pages of C.F.and 1-10 pages of N.F.)

The Special Deputy Collector(T.W.), Rampachodavaram,
East Godavari District.

The Mandal Revenue Officer, Devipatnam (M),East Godavari District.

The P.S. to Minister for Tribal Welfare

Sri K.Satya Prasad, Advocate, Rampachodavaram, West Godavari Dist.-533288.

Smt. Bommili Suramma W/o (late) Surya Rao & another R/o Vedurupalli (V),
Seethanagaram (M) East Godavari District.

Sri Sarapu Ramanna dora S/o China Veerapu dora, Kambalampalem(V),
Devipatnam (M), East Godavari District.

// FORWARDED :: BY ORDER //

SECTION OFFICER